

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number

0800-0593

Case Title:

Abound Solar, Inc.

Reporting Office:

Denver, CO, Area Office

Subject of Report:

Consent Search.

Activity Date:

October 15, 2012

Reporting Official and Date:

(b) (6), (b) (7)(C)

Special Agent

25-OCT-2012, Signed by: (b) (6), (b) (7)(C)

Approving Official and Date:

(b) (6), (b) (7)(C)

Special Agent in Charge

26-OCT-2012, Approved by: (b) (6), (b) (7)(C)

Special Agent in Charge

SYNOPSIS

On October 15, 2012, consent was granted to Special Agents of the Environmental Protection Agency (EPA) Criminal Investigation Division (CID) and the United States Department of Energy (DOE) Office of Inspector General (OIG) to search two mixed bed resin tanks stored on the Culligan Water Conditioning facility in Brighton, CO. In addition, Special Agents (SAs) (b) (6), (b) (7)(C) EPA-CID, and (b) (6), (b) (7)(C) DOE-OIG, interviewed (b) (6), (b) (7)(C) regarding his knowledge of the alleged illegal disposal of hazardous waste, and the material misrepresentations made to the EPA and the DOE by representatives of Abound Solar, Inc. (Abound).

DETAILS

On October 15, 2012, at approximately 1:00 P.M., (b) (6), (b) (7)(C) manager for Culligan Water Conditioning, granted consent to Special Agents of the EPA-CID, the DOE-OIG, and technical staff from the National Enforcement Investigations Center to search two mixed bed resin tanks stored on the Culligan Water Conditioning facility in Brighton, CO. Attached to this investigative activity report are an OCEFT Form 6-01, an EPA-NEIC receipt for samples, and an OCEFT health and safety plan (attachments). In addition, SAs (b) (6), (b) (7)(C) EPA-CID, and (b) (6), (b) (7)(C) DOE-OIG, interviewed (b) (6), (b) (7)(C) regarding his knowledge of the alleged illegal disposal of hazardous waste, and the material misrepresentations made to the EPA and the DOE by representatives of Abound.

(b) (6), (b) (7)(C) advised the Abound resin tanks currently being stored on the Culligan facility contained a mixed bed resin. (b) (6), (b) (7)(C) explained that a mixed bed resin is both the anion and the cation resin mixed together. (b) (6), (b) (7)(C) stated that the resin tanks came from the Abound facility located off of Denrose, and that he picked one tank up on October 8, 2012, and the other tank up on the morning of October 12, 2012 (Investigator's note: Based on Abound's website, the Abound Denrose facility is located in Fort Collins, CO). (b) (6), (b) (7)(C) related that (b) (6), (b) (7)(C) called him to pick up the tanks as a courtesy to get the equipment out of the Abound facility. (b) (6), (b) (7)(C) advised that there were two facilities that used cadmium chloride, and that the same resin has been used to date.

(b) (6), (b) (7)(C) admitted that he would pick up tanks from the Abound facility in Longmont, CO at least one or two times a week and approximately once a quarter from the Fort Collins facility. (b) (6), (b) (7)(C) related that the Fort Collins facility was strictly research and development. (b) (6), (b) (7)(C) advised that the tanks on the Abound Longmont facility were for production and were larger. (b) (6), (b) (7)(C) explained that there were approximately nine resin tanks on the Abound facility in Longmont that had side shells that

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were approximately 30 x 60 inches. (b) (6), (b) (7) added that the cation tanks on the Abound facility in Longmont were placed in series and the anion tanks were placed in parallel.

(b) (6), (b) (7) admitted that he would dispose of the cation resin on the Culligan facility about once a week, and would regenerate the anion resin and return it to Abound. (b) (6), (b) (7) recalled that in 2007, Culligan began providing Abound with general use water. (b) (6), (b) (7) said that Abound was “hauling because it was an expense that they (Abound) wanted to eliminate.” (b) (6), (b) (7) related that the resin work began sometime in 2010, and ended when the Abound facility closed. (b) (6), (b) (7) provided that he purchased the resin from a company out of Fort Collins, CO called U.S. Resins. (b) (6), (b) (7) provided the reporting Agent and SA (b) (6), (b) (7) with a copy of the resin material safety data sheets (attachment). (b) (6), (b) (7) recalled that he only added one solution tank to the Abound facility. (b) (6), (b) (7) indicated that Culligan was in a non binding contract with Abound, but Abound had a blanket purchase order. (b) (6), (b) (7) estimated that no more than ten percent of Culligan’s total revenue came from Abound. (b) (6), (b) (7) related that that ten percent was approximately \$100,000- \$120,000. (b) (6), (b) (7) explained that ninety percent of Culligan’s business came from equipment rentals. (b) (6), (b) (7) stated that this was the first time that Culligan had conducted work in cadmium chloride with Abound, and advised that Culligan was looking at the cadmium chloride strictly as an ion. (b) (6), (b) (7) admitted that he had no training, but researched information relating to cadmium.

(b) (6), (b) (7) advised that (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) for Abound, would tell him (b) (6), (b) (7)(C) to go to (b) (6), (b) (7)(C), Environmental Health and Safety (b) (6), (b) (7)(C) for Abound, for the “okay.” (b) (6), (b) (7) related that his supervisors name is (b) (6), (b) (7) and could be contacted at (b) (6), (b) (7)(C). (b) (6), (b) (7) admitted that all the resin that was disposed of at the Culligan facility was thrown in the dumpster. (b) (6), (b) (7) explained that Abound tried to simulate the actual process of rinsing the resin prior to the analysis of TCLP. (b) (6), (b) (7) also indicated that he observed sampling ports in the process line of the resin tanks.

The consensual search ended at approximately 3:10 P.M., at which time the Agents and technical staff departed the site.

ATTACHMENT

OCEFT Form 6-01.

EPA NEIC Receipt for Samples Form.

OCEFT Health and Safety Plan.

United States Resin Company MSDS.